

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

General Refractories Co.,

Plaintiff,

v.

First State Insurance Co., et al.,

Defendants.


Civil Action No. 04-CV-3509

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff General Refractories Company ("GRC") and defendants AIU Insurance Company, Continental Insurance Company (as successor to certain policies of insurance issued by Harbor Insurance Company), Government Employees Insurance Company, Lexington Insurance Company, Republic Insurance Company (now known as Starr Indemnity Company), and Westchester Fire Insurance Company (incorrectly identified as "ACE USA as Successor to International Insurance Company") (collectively, the "Settled Carriers"), having amicably resolved their disputes at issue in this action, it is hereby stipulated and agreed: Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Settled Carriers are **DISMISSED WITH PREJUDICE** from this action and all claims asserted by any party to this action against a Settled Carrier are **DISMISSED WITH PREJUDICE**. Non-settling defendant, Travelers Casualty and Surety Company, formerly known as The Aetna Casualty and Surety Co., and incorrectly designated in the Complaint as "St. Paul Travelers" may assert a claim for an apportioned share set-off under *Koppers v. Aetna Cas. & Sur. Co.*, 98 F.3d 1440 (3d Cir. 1996).

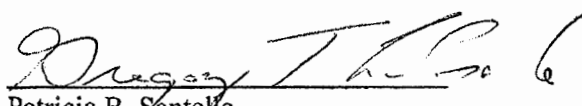
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Company, Continental Insurance Company (as
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insurance issued by Harbor Insurance
Company), Government Employees Insurance
Company, Lexington Insurance Company,
Republic Insurance Company (now known as
Starr Indemnity Company), and Westchester
Fire Insurance Company (incorrectly
identified as "ACE USA as Successor to
International Insurance Company")*

SO ORDERED BY THE COURT:


L. FELIPE RESTREPO
UNITED STATES DISTRICT JUDGE